IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 24116 of 2007(U)

PETITIONER:

ST. ANTONY'S CHAPEL, CHAPPAKKADAVU,
THURAVOOR, ALAPPUZHA-688584, REPRESENTED BY
FR.THOMAS CHULICKKAL, AGED 47 YEARS,
ST.SEBASTIAN'S CHURCH, PALLITHODE,
ALAPPUZHA DIOCESE, ALAPPUZHA.

BY ADV. SRI.JIMMY GEORGE (VATTATHARA)

RESPONDENTS:

1. ASSISTANT EXCISE COMMISSIONER,
   ALAPPUZHA DISTRICT.

2. SECRETARY, KUTHIATHODE PANCHAYATH,
   KUTHIATHODE P.O., THURAVOOR, CHERTHALA,
   ALAPPUZHA DISTRICT.

3. CIRCLE INSPECTOR OF POLICE,
   KUTHIYATHODU, ALAPPUZHA DISTRICT.

4. SASI, S/O VASU, AGED 57 YEARS,
   SABITHABHAVANAM, THURAVOOR VILLAGE,
   PADINJATTINKARA SOUTH MURI, THIRUMALABHAGAM P.O.,
   CHERTHALA TALUK, ALAPPUZHA DISTRICT.

BY G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.24116 of 2007

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Dated this the 8th day of August, 2007

J U D G M E N T

The petitioner complains that the 4th respondent intends to start a toddy shop within the prohibited distance from the petitioner's chapel. Raising this objection, the petitioner has filed Ext.P4 before the 1st respondent seeking appropriate relief in the matter of granting licence to the 4th respondent. The petitioner now submits that in spite of Ext.P4, licence has been granted. In the above circumstances, I dispose of this writ petition with a direction to the 1st respondent to consider Ext.P4 and see whether the toddy shop proposed to be established by the 4th respondent is within the prohibited distance and to take further action. If the 1st respondent finds that the allegation of the petitioner is true, the 1st respondent shall pass orders in the matter after hearing the petitioner as well as the 4th respondent as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.